

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23809 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- BAKHARI District- Begusarai

1. RAM NATH SWARNKAR @ RAM NATH SAH SON OF SIYARAM SAH R/O WARD NO.6, VILLAGE- SALAUNA, BEGUSARAI, P.S.- BAKHRI, DISTRICT- BEGUSARAI, PIN CODE- 848201
2. CHAMPA DEVI WIFE OF RAM NATH SAH R/O WARD NO.6, VILLAGE- SALAUNA, BEGUSARAI, P.S.- BAKHRI, DISTRICT- BEGUSARAI, PIN CODE- 848201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A..P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. The informant alleges that petitioners are running a jewellery shop in his premises on rent and thus induced him to part with Rs. 17,00,000/- with an assurance that they would execute sale deed of ten *khatta* of their land, but the sale deed was not executed nor they have paid the rent of the shop, further they gave Rs. 32,000/- for three to



four months, but thereafter stopped the payment. It is next alleged that in lieu of the money they also gave jewellery worth Rs. 3,00,000/- but the same was later turned out to be an imitation and the same was returned.

4. The learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and have been falsely implicated in the present case, it is next submitted that the dispute is purely between landlord and tenant and it appears in order to evict the petitioners the present false case has been instituted in order to coerce them into submission for evicting them from the shop in question, it is further submitted that the FIR does not disclose that how Rs. 17,00,000/- was paid to the petitioners. The learned counsel next submits that the dispute is purely civil to which a criminal colour has been given.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-



named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bakhri P.S. Case No. 266 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

GauravSinha/-

(Satyavrat Verma, J)

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